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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,978

09/08/2005

Dirk Stoelingsa

470-045996

2955

28289

7590

03/12/2008

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EXAMINER

WATTS, ALAN B

ART UNIT

PAPER NUMBER

3682

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,978

Applicant(s)

STOELINGA, DIRK

Examiner

ALAN B. WAITS

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-51 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 22-51 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 10/24/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 38 is objected to because of the following informalities: "a part of engagement" perhaps should read --a point of engagement--. Appropriate correction is required.
2. Claim 49 is objected to because of the following informalities: "in claim 38" perhaps should read --in claim 48--. It is assumed to be a typo.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 31, 33, 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Applicant uses the term "around" in claim 31. It is unclear if the term means in 'in the general area or region of', 'surrounding', or 'about' the first profile part. For the purpose of examination, it is assumed to mean 'in the general area of'.
5. Applicant uses the term "a guide" in claim 33. It is unclear if this guide is the same as the guide in claim 1, the additional guide in claim 2, or if the guide is a new guide.
6. Claim 33 is also rendered indefinite because it is unclear by the limitation "which strip is connected on the opposite side to a guide connected to the third profile part" exactly what the opposite side of the strip is attached to. Is the strip attached to the

guide, and the guide is attached to the third profile part? (If this is the case, then the drawings will be objected to as not having the subject matter claimed) Or, is the strip attached to the third profile part by first passing through the additional guide on the second member? Also, it is unclear if the strip is the additional strip or the original strip. For the purpose of examination, it is assumed that the strip is the additional strip and is attached to the third profile part by first passing through the additional guide on the second member.

7. Applicant uses the phrase "can be" in claims 36 and 38. It is unclear if the limitations following the phrase are necessary to the claimed invention, or if the limitations are merely optional. For the purpose of examination, it is assumed the limitations are optional.

8. Applicant uses the term "a second profile part" in claim 37. It is unclear if this is the same second profile part as in claim 22, or if this is a new second profile part. For the purpose of examination, it is assumed to be the same as in claim 22.

9. Applicant uses the term "two guides" in claim 37. It is unclear if one of these guides is the same guide as in claim 22 or if they are two separate guides from the one already claimed in claim 22.

10. Claim 38 recites the limitation "the point of engagement". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 22, 47-51 are rejected under 35 U.S.C. 102(b) as being anticipated by

Bastian USP 4667605.

Bastian discloses a similar device comprising a(n):

Re clm 22 & 47, 50:

- Rotatable drive wheel (24, fig 3)
- First profile part (20, fig 3)
- Flexible material strip (23, fig 3) which is rigidly connected at a point of engagement (26, fig 3) on at least one side to a second profile part (27, fig 3)
- Said material strip also engages on the drive wheel (as the sprocket drive wheel engages with the chain, fig 3)
- Guide (25, fig 3) for the flexible material strip connected in an at least substantially stationary manner to the first profile part
- The distance between the guide and the drive wheel is greater than the distance between the point of engagement of the flexible material strip on the second profile and the drive wheel (as shown in fig 3)

Re clm 47

- Plurality of displaceable housing parts (20 and 18, fig 3)
- First housing part with a drive connected thereto (16 is connected to the 20, fig 3)

Re clm 48

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- The housing forms a telescopic leg (fig 3)

Re clm 49

- The housing is provided with operating means for activating the motor
(operating means are inherent to a motor in order to actuate it)

Re clm 50

- Plurality of legs in the form of housing parts (12, fig 3)
- A plurality of drive wheels is driven synchronously (15 drives both 24s, fig 2)

Re clm 51

- A plurality of drive wheels in separate legs is driven by a central motor (15, drives both 24s, fig 2)

Claim Rejections - 35 USC § 103

11. Claim 22-25, 27, 28, 30, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over D.R. Wright USP 3396601 in view of De Gelis USP 5528948.

Wright discloses a similar device comprising a(n):

Re clm 22 & 38:

- Rotatable drive wheel (15, fig 1)
- First profile part (11, fig 1)
- Flexible material strip (39, fig 1) which is rigidly connected at a point of engagement (41, fig 1) on at least one side to a second profile part (32, fig 1)
- Said material strip also engages on the drive wheel (clm 5, where the wheel is a gear and the strip is a chain)

- Guide (18, fig 1) for the flexible material strip connected in an at least substantially stationary manner to the first profile part
- The distance between the guide and the drive wheel is greater than the distance between the point of engagement of the flexible material strip on the second profile and the drive wheel (as shown in fig 1)

Re clm 38

- The drive wheel is connected to a pulling element (the strip 39, fig 1, is a pulling element)

Wright does indeed disclose an operating means (17, fig 1) coupled to a first profile part (11, fig 1) and to the drive wheel (15, fig 1), however, he does not disclose the operating means being a motor.

De Gelis teaches using a motor (1, fig 1) as an operating means for the purpose of electrically actuating a similar device.

It would have been obvious to one of ordinary skill at the time of the invention to modify the teachings of Wright and use a motor as an operating means for the purpose of electrically actuating a similar device.

Wright further discloses:

Re clm 23 & 39

- The drive wheel engages substantially without slip on the flexible material strip (clm 5, where the wheel is a gear and the strip is a chain)

Re clm 24 & 40

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- The drive wheel is provided with teeth (clm 5, where the wheel is a gear and the strip is a chain)

Re clm 25

- The flexible material strip is provided with a profile co-acting with the teeth of the drive wheel (clm 5, where the wheel is a gear and the strip is a chain)

Re clm 27

- At least a part of the flexible material strip is formed by a chain (clm 5, where the wheel is a gear and the strip is a chain)

Re clm 28, Wright and De Gelis disclose all the claimed subject matter as described above.

They do not disclose at least part of the flexible material strip is formed by a toothed belt.

Kato teaches at least part of a flexible material strip being formed by a toothed belt (3, fig 1) for the purpose of reducing slip between the drive mechanism and the flexible material strip.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Wright and De Gelis and use at least part of a flexible material strip being formed by a toothed belt for the purpose of reducing slip between the drive mechanism and the flexible material strip.

Wright further discloses:

Re clm 30

- The flexible material strip is connected to a protruding element (41, fig 1) rigidly connected to the second profile part (32, fig 1)

12. Claims 22-24, 27, and 29-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over W. W. Dungan USP 91,103 in view of De Gelis USP 5528948.

Dungan discloses a similar device comprising a(n):

Re clm 22 & 38:

- Rotatable drive wheel (D, fig 1)
- First profile part (A, fig 1)
- Flexible material strip (E, fig 1) which is rigidly connected at a point of engagement (c2 paragraph 8, ln 3-4) on at least one side to a second profile part (A', fig 1)
- Said material strip also engages on the drive wheel (see fig 1)
- a guide (B, fig 1) for the flexible material strip connected in an at least substantially stationary manner to the first profile part (A, fig 1)
- The distance between the guide and the drive wheel is greater than the distance between the point of engagement of the flexible material strip on the second profile and the drive wheel (as shown in fig 1)

Re clm 38

- The drive wheel is connected to a pulling element (the strip, E, is a pulling element, fig 1)

Dungan does indeed disclose an operating means (crank handle on D, fig 1) coupled to a first profile part (coupled together through the base) and to the drive wheel, however, he does not disclose the operating means being a motor.

De Gelis teaches using a motor (1, fig 1) as an operating means for the purpose of electrically actuating a similar device.

It would have been obvious to one of ordinary skill at the time of the invention to modify the teachings of Wright and use a motor as an operating means for the purpose of electrically actuating a similar device.

Dungan further discloses a(n):

Re clm 23 & 39

- The drive wheel engages substantially without slip on the flexible material strip (as E is wound around D, fig 1)

Re clm 24 & 40

- The drive wheel is provided with teeth (D, fig 1)

Re clm 27

- At least a part of the flexible material strip is formed by a chain (cl 2, paragraph 8, ln 1)

Re clm 29 & 41, Dungan does not disclose at least part of the material strip is formed by hoop-steel.

De Gelis teaches at least part of the material strip is formed by hoop-steel (cl 2, ln 19-24) for the purpose of providing a more secure and a stronger material for moving the profile parts.

It would have been obvious at the time of the invention to modify the teachings of Dungan and use at least part of the material strip being formed by hoop-steel for the purpose of providing a more secure and a stronger material for moving the profile parts.

Re clm 30 & 42, although Dungan does indeed disclose:

- The flexible material strip (E, fig 1) being connected to the second profile part (A', fig 1)

he is silent as to the securing means, and does not explicitly disclose the flexible material strip (E, fig 1) being connected to a protruding element rigidly connected to the second profile part (A', fig 1).

Dungan teaches a protruding element (just below the leftmost upper B in fig 2) rigidly connected to the top of the first profile part (A, fig 2) for the purpose of securing the one end of the flexible material strip onto the first profile part .

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the same protruding element used on the top of the first profile part for the purpose of securing the other end of the flexible material strip onto the second profile part.

Dungan further discloses:

Re clm 31 & 43

- The second profile part engages around the first profile part (A' engages in the general area or region of A, fig 1)
- The protruding element connected to the second profile part is located in an internal space of the first profile part (wherein the flexible material strip

connects on the outside of the second profile part A' but on the inside of the first profile part A, fig 1)

Re clm 32

- The flexible material strip is connected on two sides to the second profile part (there are multiple cables, E, connected on at least two sides of A')

Re clm 33 & 44

- the second profile part (A', fig 1)
- Additional guide (B', fig 1)
- Additional flexible material strip (F, fig 1) connected on one side to the first profile part (the bottom end of F, fig 1) is guided
- The Strip is connected on the opposite side to a guide connected to the third profile part (see 112 rejection above for clarification, wherein the top end of F is passed through the additional guide B' and onto the third profile part A², fig 1)

Re clm 34 & 45, although Dungan does indeed disclose:

- The additional flexible material strip (F, fig 1) being connected to the third profile part (A², fig 1)

he is silent as to the securing means, and does not explicitly disclose the additional flexible material strip (F, fig 1) being connected to a protruding element rigidly connected to the third profile part (A², fig 1)

Dungan teaches a protruding element (just below the leftmost upper B in fig 2) rigidly connected to the top of the first profile part (A, fig 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the same protruding element used on the top of the first profile part for the purpose of securing the other end of the additional flexible material strip onto the third profile part.

Dungan further discloses:

Re clm 35 & 46:

- The third profile part engages around the first and second profile part (A² engages in the general area or region of A and A', fig 1)
- The protruding element which is rigidly connected to the third profile part is located in an internal space of the first profile part (wherein the flexible material strip F connects on the outside of the third profile part A² but on the inside of the first profile part A, fig 2)

Re clm 36:

- The drive wheel is also connected to a pulling element (the strip, E, is a pulling element, fig 1)

Re clm 37

- the drive comprises two flexible material strips (multiple strips, E) which are rigidly connected on at least one side to a second profile part
- The material strips also engage on the drive wheel (each E engages a D, fig 1), and two guides (multiple Bs, fig 1) for the flexible material strips connected in stationary manner to the first profile part (as shown in fig 1)

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dungan and De Gelis as applied to claim 22 above, and further in view of Tanaka USP 5787700.

Dungan and De Gelis disclose all the claimed subject matter as described above.

Although both Dungan and De Gelis disclose the flexible material strip being assembled from successive segments (pg 1, l cl 2, 8th paragraph, Dungan), they do not disclose a flexible material strip being assembled from successive segments with varying material properties.

Tanaka teaches a flexible material strip being assembled from successive segments with varying material properties (see fig 1 and cross-hatching) for the purpose of providing an improved type of material strip that traps dust and lubricant (abstract).

It would have been obvious to one of ordinary skill at the time of the invention to modify the teachings of Dungan and De Gelis and provide a flexible material strip being assembled from successive segments with varying material properties for the purpose of providing an improved type of material strip that traps dust and lubricant.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABW

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3682